

IN THE UNITED STATES DISTRICT COURT

FILED
BILLINGS DIV.

FOR THE DISTRICT OF MONTANA

2007 OCT 31 AM 9 55

BILLINGS DIVISION

PATRICK E. DUFFY, CLERK

BY

DEPUTY CLERK

MARCIA SPAHR,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY and SOCIAL SECURITY
Plnt, FBI Plnt

Defendants.

CV-07-116-BLG-RFC

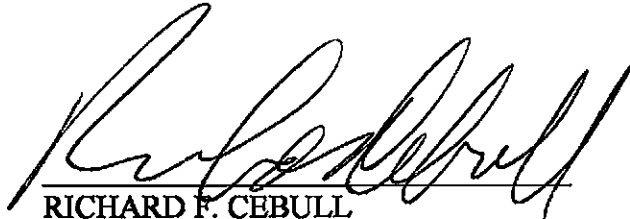
ORDER ADOPTING FINDINGS
AND RECOMMENDATION OF
U.S. MAGISTRATE JUDGE

On October 17, 2007, United States Magistrate Judge Carolyn Otsby entered her Findings and Recommendation. Magistrate Judge Ostby recommends Plaintiff's Motion to Proceed *In Forma Pauperis* be denied. In some cases, upon service of a Magistrate Judge's findings and recommendation, a party has ten days to file written objections. See 28 U.S.C. § 636(b)(1). However, in the present case Plaintiff is not allowed ten days to file written objections because the Magistrate Judge's authority to make the recommendation on this pretrial matter is derived from 28 U.S.C. § 636(b)(3), which does not provide a party ten days to file written objections with the district court. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Proceed *In Forma Pauperis* (**Doc. #1**) is **DENIED** and this matter is **DISMISSED WITHOUT PREJUDICE**.

DATED the 31st day of October, 2007.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE